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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,530	02/09/2004	Lawrence A. Rabellino	59489-8026.US01	1068

45965 7590 12/13/2006

TECHNOLOGY & INTELLECTUAL PROPERTY
STRATEGIES GROUP PC dba TIPS GROUPS
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EXAMINER

CINTINS, IVARS C

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/775,530	Applicant(s) RABELLINO, LAWRENCE A.	
	Examiner Ivars C. Cintins	Art Unit 1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 1-20, 25 and 29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-24, 26-28 and 30-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/9/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1724

Applicant's election of Group II, claims 21-34, in the reply filed on September 25, 2006 is acknowledged; and Applicant's election of temperature as the "predetermined operating parameter" species is also acknowledged. Because Applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Also, Applicant has stated that claims 21-24, 26-28 and 30-34 read on the elected species; and therefore, claims 1-20 are withdrawn from further consideration as being directed to a non-elected invention, and claims 25 and 29 are withdrawn from further consideration as being directed to a non-elected species.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-24, 27, 28, 30, 33 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Christensen et al. (U.S. Patent No. 5,307,627; hereinafter "Christensen"). Christensen discloses a fluid treatment system comprising a catalyst **16** having a first flow path **14** and a second flow path **30**, an adsorbent bed **24** positioned downstream from the catalyst, a first flow diversion member **18** positioned to direct a portion of the fluid stream to or away from the adsorbent bed as this fluid stream exits the catalyst (see Figs. 1-3). This reference system also includes a second flow diversion member **26** positioned downstream of the adsorbent bed to direct all or a portion of the stream exiting the adsorbent to or away from the second flow path **30**.

Art Unit: 1724

This reference system further includes a temperature sensor (see col. 5, lines 59-61) operatively coupled to the first flow diversion member **18**, and this is all that appears to be required by claims 21-24, 27, 28, 30, 33 and 34.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-24, 26-28 and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christensen in view of Kato et al. (U.S. Patent No. 5,499,501; hereinafter "Kato"). Should it be held that flow path **30** of Christensen does not constitute a "second flow path" of the catalyst, then this primary reference discloses the claimed invention with the exception of the plumbing arrangement through the catalyst. Kato discloses a similar engine exhaust emission system, and teaches passing engine exhaust through a catalyst (i.e. **2**) in a plurality of diverse directions (see col. 3, lines 19-24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to arrange the exhaust pipe **30** of the primary reference in the manner suggested by Kato, in order to obtain the advantages (i.e. enhanced emissions control) disclosed by this secondary reference for the system of the primary reference. Also, it would have been obvious to one of ordinary skill in the art at the time the invention was made to arrange the piping of the thus modified primary reference such that the second pass through the catalyst is in a countercurrent direction (claim 31), since such an arrangement is capable of producing substantially the same type of

Art Unit: 1724


contact between the catalyst and exhaust gas as does the crosscurrent arrangement of Kato.

Patil et al. (U.S. Patent No. 5,125,231) shows a similar engine exhaust emission control system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is 571-272-1155. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Duane Smith, can be reached at 571-272-1166.

The centralized facsimile number for the USPTO is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
December 10, 2006